



PATENT
Customer No. 22,852
Attorney Docket No. 05725.0895-02000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Sue FENG et al.)	Group Art Unit: 1615
)	
Application No.: 10/699,780)	Examiner: Jyothsna A. VENKAT
)	
Filed: November 4, 2003)	
)	
For: METHODS OF PROVIDING INTENSE)	Confirmation No.: 5902
COLOR TO COSMETIC)	
COMPOSITIONS USING AT LEAST ONE)	
HETEROPOLYMER)	
(as amended))	

MAIL STOP AMENDMENT

VIA WINDOW DELIVERY

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Office the documents listed on the attached IDS Form PTO/SB/08. This Information Disclosure Statement ("IDS") is being filed after the mailing of a first Office Action but before a final Office Action, Notice of Allowance, or Action under *Ex Parte Quayle*. Applicants have submitted herewith the fee according to 37 C.F.R. §§ 1.97(c)(2) and 1.17(p) required for the consideration for this IDS.

Copies of the listed documents are attached, excluding any U.S. Patents, U.S. Patent Application Publications, and co-pending U.S. Patent Applications that are available in the Image File Wrapper System. Applicants respectfully request that the

Office consider the listed documents and indicate that they were considered by making appropriate notations on the attached IDS Form PTO/SB/08.

Co-Pending Applications

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the office actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed substantive office actions from co-pending applications on the attached IDS Form PTO/SB/08. At the Office's request, Applicants have not included copies of those Office Actions issued in the co-pending applications by the present Examiner of this application.

Litigation Documents

Further to the Notification of Pending Litigation filed July 23, 2004, Applicants submit two additional documents from the on-going litigation *L'Oreal S.A., et al. v. Estee Lauder Companies, Inc., et al.*, Civil Action No. 04-1660 (D.N.J.). The first document is a copy of Estee Lauder's Amended Answer and Counterclaims. The second document is a copy of Estee Lauder's Response to Plaintiff's Third Set of Interrogatories. Both of these documents are enclosed with this IDS and listed on the IDS Form PTO/SB/08.

Non-English Language References

With respect to the following non-English language documents listed on the attached Form PTO/SB/08, Applicants provide the following information regarding English-language abstracts and translations:

1. **DE 197 26 184 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
2. **DE 197 55 649 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. The document is believed to be related to U.S. Patent No. 6,159,455, which is listed herewith.
3. **DE 198 55 649 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. The document is believed to be related to U.S. Patent No. 6,545,174, which is listed herewith.
4. **EP 0 507 692 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. The document is believed to be related to U.S. Patent No. 5,252,323, which is listed herewith.
5. **EP 0 518 772 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. The document is believed to be related to U.S. Patent No. 5,795,565, which is listed herewith.
6. **EP 0 518 773 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. The document is believed to be related to U.S. Patent No. 5,695,747, which is listed herewith.

7. **EP 0 669 323 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. The document is believed to be related to U.S. Patent No. 5,585,091, which is listed herewith.
8. **EP 0 775 698 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. The document is believed to be related to U.S. Patent No. 5,955,060, which is listed herewith.
9. **EP 0 790 243 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. The document is believed to be related to U.S. Patent No. 5,849,909, which is listed herewith.
10. **EP 0 863 145 A2** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. The document is believed to be related to U.S. Patent No. 5,976,512, which is listed herewith.
11. **EP 0 878 469 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. The document is believed to be related to U.S. Patent No. 5,962,452, which is listed herewith.
12. **EP 0 967 200 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. The document is believed to be related to U.S. Patent No. 6,093,385, which is listed herewith.
13. **FR 2 315 991** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. The document is believed to be related to British Patent No. 1,539,625, which is submitted herewith.

14. **FR 2 416 008** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. The document is believed to be related to U.S. Patent No. 4,247,411, which is listed herewith.

15. **FR 2 796 550** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

16. **FR 2 804 014** - An abstract of the disclosure of this document can be found in the English language abstract obtained from esp@cenet, which is submitted herewith. This document is believed to be related to Patent Application Publication No. US 2001/0028887 A1, which is listed herewith.

17. **FR 2 817 742** - An abstract of the disclosure of this document can be found in the English language abstract obtained from esp@cenet, which is submitted herewith. This document is believed to be related to U.S. Patent No. 6,761,881 B2 and WO 02/47606 A2, which are listed herewith.

18. **JP 02/207014** - An abstract of the disclosure of this document can be found in the English language Patent Abstracts of Japan submitted herewith.

19. **WO 02/47606 A2** - An English language Abstract of this document can be found on the front of this document. This document is believed to be related to U.S. Patent No. 6,761,881 B2 and WO 02/47606 A2, which are listed herewith.

20. **WO 93/04665** - An English language Abstract of this document can be found on the front of this document, as well as the English language Derwent Abstract submitted herewith.

21. **WO 98/25922** - An English language Abstract of this document can be found on the front of this document, as well as the English language Derwent Abstract

submitted herewith. This document is believed to be related to U.S. Patent No. 6,361,764 B2 and U.S. Application Publication No. US 2002/0010179 A1, which are listed herewith.

Conclusion

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Office applies any of the listed documents as prior art against any claims in the application and Applicant determines that the cited document do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement not provided herewith, please charge the fee to our Deposit Account No. 06-0916.

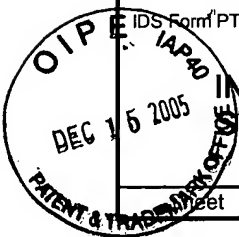
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 15, 2005

By: 

Michelle E. O'Brien
Reg. No. 46,203



IDS Form PTO/SB/08: Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/699,780
Filing Date	November 4, 2003
First Named Inventor	Sue FENG et al.
Art Unit	1615
Examiner Name	Jyothsna A. VENKAT
Attorney Docket Number	05725.0895-02000

Sheet 1 of 6

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

Examiner Initials	Cite No.	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
		2,463,264	3/1/1949	Graenacher	
		3,157,681	11/17/1964	Fischer	
		4,148,875	4/10/1979	Barnett et al.	
		4,247,411	1/27/1981	Vanlerberghe et al.	
		4,367,390	1/4/1983	Balleys et al.	
		4,724,137	2/9/1988	Hoppe et al.	
		4,822,601	4/18/1989	Goode et al.	
		5,166,355	11/24/1992	Leistner et al.	
		5,237,071	8/17/1993	Leistner et al.	
		5,252,323	10/12/1993	Richard et al.	
		5,290,555	3/1/1994	Guthauser et al.	
		5,585,091	12/17/1996	Pelzer et al.	
		5,605,651	2/25/1997	Balzer	
		5,695,747	12/9/1997	Forestier et al.	
		5,702,519	12/30/1997	Nitta et al.	
		5,795,565	8/18/1998	Eteve et al.	
		5,849,909	12/15/1998	Richard et al.	
		5,955,060	9/21/1999	Huglin et al.	
		5,962,452	10/5/1999	Haase et al.	
		5,976,512	11/2/1999	Huber	
		5,993,787	11/30/1999	Sun et al.	
		6,093,385	7/25/2000	Habeck et al.	
		6,132,745	10/17/2000	Marchi-Lemann et al.	
		6,159,455	12/12/2000	Habeck et al.	
		6,214,326	4/10/2001	Dupuis	
		6,361,764 B2	3/26/2002	Richard et al.	
		6,428,773 B1	8/6/2002	Oko et al.	
		6,447,759 B2	9/10/2002	Noguchi et al.	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

IDS Form PTO/SB/08: Substitute for form 1449A/PTO <div style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</div> <div style="text-align: center;"><i>(Use as many sheets as necessary)</i></div>				Complete if Known	
				Application Number	10/699,780
				Filing Date	November 4, 2003
				First Named Inventor	Sue FENG et al.
				Art Unit	1615
				Examiner Name	Jyothsna A. VENKAT
				Attorney Docket Number	05725.0895-02000
Sheet	2	of	6		

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
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		Number-Kind Code (if known)			
		6,503,522 B2	1/7/2003	Lawson et al.	
		6,506,716 B1	1/14/2003	Delplancke et al.	
		6,545,174 B2	4/8/2003	Habeck et al.	
		6,552,160 B2	4/22/2003	Pavlin	
		6,716,420 B2	4/6/2004	Feng et al.	
		6,761,881 B2	7/13/2004	Bara	
		6,869,594 B2	3/22/2005	Ferrari	
		6,875,245 B2	4/5/2005	Pavlin	
		6,881,400 B2	4/19/2005	Collin	
		6,960,339 B1	11/1/2005	Ferrari	
		US 2001/0028887 A1	10/11/2001	Douin et al.	
		US 2002/0010179 A1	1/24/2002	Richard et al.	
		US 2004/0247549 A1	12/9/2004	Lu et al.	
		US 2005/0008598 A1	1/13/2005	Lu et al.	
		US 2005/0008599 A1	1/13/2005	Lu et al.	
		US 2005/0065261 A1	3/24/2005	Candau et al.	
		US 2005/0089491 A1	4/28/2005	Collin	
		US 2005/0089505 A1	4/28/2005	Collin	
		US 2005/0089541 A1	4/28/2005	Ferrari	
		US 2005/0191327 A1	9/1/2005	Yu et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
		Country Code Number Kind Code (if known)				
		DE 197 26 184 A1	12/24/1998			Abstract
		DE 197 55 649 A1	6/17/1999			Abstract
		DE 198 55 649 A1	6/8/2000			Abstract

Examiner Signature		Date Considered	
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				<i>Filing Date</i>	November 4, 2003
				<i>First Named Inventor</i>	Sue FENG et al.
				<i>Art Unit</i>	1615
				<i>Examiner Name</i>	Jyothsna A. VENKAT
Sheet	3	of	6	<i>Attorney Docket Number</i>	05725.0895-02000

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		Country Code Number Kind Code (if known)				
		EP 0 507 692 A1	10/7/1992			Abstract
		EP 0 517 104 B1	12/9/1992			English
		EP 0 518 772 A1	12/16/1992			Abstract
		EP 0 518 773 A1	12/16/1992			Abstract
		EP 0 570 838 B1	11/24/1993			English
		EP 0 669 323 A1	8/30/1995			Abstract
		EP 0 775 698 A1	5/28/1997			Abstract
		EP 0 790 243 A1	8/20/1997			Abstract
		EP 0 796 851 A1	9/24/1997			English
		EP 0 863 145 A2	9/9/1998			Abstract
		EP 0 878 469 A1	11/18/1998			Abstract
		EP 0 893 119 B1	1/27/1999			English
		EP 0 933 376 A2	8/4/1999			English
		EP 0 967 200 A1	12/29/1999			Abstract
		EP 1 044 676 A2	10/18/2000			English
		FR 2 315 991	1/28/1977			Abstract
		FR 2 416 008	8/31/1979			Abstract
		FR 2 796 550	1/26/2001			Abstract
		FR 2 804 014	7/27/2001			Abstract
		FR 2 817 742	6/14/2002			Abstract
		GB 1 539 625	1/31/1979			English
		JP 02/207014	8/16/1990			Abstract
		WO 02/47606 A2	6/20/2002			English Abstract
		WO 05/013887 A2	2/17/2005			English
		WO 93/04665	3/18/1993			English Abstract
		WO 98/25922	6/18/1998			English Abstract

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			First Named Inventor	Sue FENG et al.	
			Art Unit	1615	
			Examiner Name	Jyothsna A. VENKAT	
Sheet	4	of	6	Attorney Docket Number	05725.0895-02000

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
		Bangham, A.D. et al. Diffusion of Univalent Ions across the Lamellae of Swollen Phospholipids, Journal of Molecular Biology, pp. 238-252, Vol. 13, August to October 1965	
		Co-Pending Application No. 10/494,864; Attorney Docket No. 06028.0047-00 Title: COMPOSITION CONTAINING AN AMINO ACID N-ACYLATED ESTER AND A POLYAMIDE-STRUCTURED UV FILTER U.S. Filing Date: November 23, 2004	
		Co-Pending Application No. 11/212,811, Attorney Docket No. 05725.0816-03 Title: A TRANSFER-FREE MASCARA COMPOSITION COMPRISING AT LEAST ONE VOLATILE SOLVENT AND AT LEAST ONE POLYMER U.S. Filing Date August 29, 2005	
		English Language Abstract of FR 2 804 014 from esp@cenet	
		English Language Abstract of FR 2 817 742 from esp@cenet	
		English language abstract of JP 02/207014 from Patent Abstracts of Japan	
		English language DERWENT abstract of DE 197 26 184	
		English language DERWENT abstract of DE 197 55 649 A1	
		English language DERWENT abstract of DE 198 55 649 A1	
		English language DERWENT abstract of EP 0 507 692 A1	
		English language DERWENT abstract of EP 0 518 772 A1	
		English language DERWENT abstract of EP 0 518 773 A1	
		English language DERWENT abstract of EP 0 669 323 A1	
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		English language DERWENT abstract of EP 0 790 243 A1	
		English language DERWENT abstract of EP 0 863 145 A2	
		English language DERWENT abstract of EP 0 878 469 A1	
		English language DERWENT abstract of EP 0 967 200 A1	
		English language DERWENT abstract of FR 2 315 991	
		English language DERWENT abstract of FR 2 416 008	
		English language DERWENT abstract of FR 2 796 550	
		English language DERWENT abstract of WO 93/04665	
		English language DERWENT abstract of WO 98/25922	

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IDS Form PTO/SB/08: Substitute for form 1449A/PTO			Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)			Application Number	10/699,780	
			Filing Date	November 4, 2003	
			First Named Inventor	Sue FENG et al.	
			Art Unit	1615	
			Examiner Name	Jyothsna A. VENKAT	
			Attorney Docket Number	05725.0895-02000	
Sheet	5	of	6		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
		Estee Lauder's Amended Answer and Counterclaims, dated April 21, 2005, in the on-going litigation L'Oreal S.A., et al., v. The Estee Lauder Companies Inc., et al., Civil Action No. 04-1660 (D.N.J.)	
		Estee Lauder's Response to Plaintiff's Third Set of Interrogatories (Nos. 8-13), dated June 21, 2005, in the on-going litigation L'Oreal S.A., et al. v. The Estee Lauder Companies Inc., et al., Civil Action No. 04-1660 (D.N.J.)	
		Harry's Cosmeticology 375-383 (J.B. Wilkinson & R.J. Moore eds., Chemical Pub. 7th ed. 1982).	
		International Search Report in PCT/US03/41618 (Atty. Docket No. 05725.1338-00304), dated March 11, 2005	
		International Search Report in PCT/US04/01071 (Atty. Docket No. 5725.1335-00304), dated February 22, 2005	
		Office Action in co-pending Application No. 09/733,896 (Attorney Docket No. 05725.0806) dated July 13, 2005 (Ex. Nutter)	
		Office Action in co-pending Application No. 09/733,898 (Attorney Docket No. 05725.0808) dated April 25, 2005 (Ex. Yoon)	
		Office Action in co-pending Application No. 09/733,899 (Attorney Docket No. 05725.0594) dated May 3, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 09/733,900 (Attorney Docket No. 05725.0595), dated June 2, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 09/749,036 (Attorney Docket No. 05725.0832) dated April 29, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/993,430 (Attorney Docket No. 05725.1003-01) dated November 16, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/012,052 (Attorney Docket No. 05725.1005-00), dated June 3, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/182,830 (Attorney Docket No. 05725.0795-01) dated April 4, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/203,254 (Attorney Docket No. 05725.0817-01) dated April 22, 2005 (Ex. Berko)	
		Office Action in co-pending Application No. 10/203,375 (Attorney Docket No. 06028.0018-00), dated May 13, 2005 (Ex. Punnose)	
		Office Action in co-pending Application No. 10/312,083 (Attorney Docket No. 05725.1187) dated April 18, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/312,083 (Attorney Docket No. 05725.1187) dated September 28, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/746,612 (Attorney Docket No. 05725.1338-01) dated June 15, 2005 (Ex. Venkat)	
Examiner Signature			Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/699,780
Filing Date	November 4, 2003
First Named Inventor	Sue FENG et al.
Art Unit	1615
Examiner Name	Jyothisna A. VENKAT
Attorney Docket Number	05725.0895-02000

Sheet	6	of	6
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NON PATENT LITERATURE DOCUMENTS

		Office Action in co-pending Application No. 10/787,441, (Attorney Docket No. 05725.0795-02) dated April 5, 2005 (Ex. Venkat)	
		Richard J. Lewis, Sr., "Ricinoleic Acid," Hawley's Condensed Chemical Dictionary 972 (13th. 1997)	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.